

AMENDED IN ASSEMBLY FEBRUARY 9, 2004

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 22, 2003

SENATE BILL

No. 871

Introduced by Senator Torlakson

February 21, 2003

An act to ~~amend Section 51852 of the Education Code, and to add~~ Section 1810.3 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 871, as amended, Torlakson. Vehicles: *accident reports*.

(1) ~~Existing law generally regulates driving schools and driving instructors. Existing law provides that, until July 1, 2004, these provisions may not be construed to direct or restrict driver education courses offered by private secondary schools, as defined, or to require credentialed or certified instructors in courses offered by those schools.~~

~~This bill would extend the specified date to July 1, 2005.~~

(2) ~~Existing law authorizes the Department of Motor Vehicles to establish commercial requester accounts for individuals or organizations for the purpose of obtaining information from the department's files, except as specified.~~

Existing law requires certain motor vehicle traffic accident reports to be submitted to the department and the Department of the California Highway Patrol, and prohibits the release of the information in those reports except to certain state and local governmental agencies and certain, listed interested persons.

This bill would ~~require~~ *authorize* the ~~department~~ *Department of Motor Vehicles*, using the information in those accident reports, ~~to compile an electronic database consisting of the manufacturer's vehicle identification number, the~~ *to make the* license plate number; ~~and the accident report number; and a description of the damage incurred by a vehicle, for each vehicle that is included in an accident report. The bill would require the department to make the information in the database available to a person who has established a commercial requester account and entered~~ *enters* into a specified contract with the department. The bill would ~~prohibit the department from providing the specified information unless the person requesting information stipulates in the contract with the department~~ *require the contract to stipulate that (a) the information provided may not be used for the purpose of identifying or contacting any person or for any purpose other than identifying and may only be used to identify a vehicle that has been damaged in a traffic accident and providing to provide a description of that damage; and (b). The bill would authorize the accident report number and license plate number may to be used only for the internal verification purposes of the business that receives the information and may not be would prohibit that information from being disclosed to any party other than the department or the Department of the California Highway Patrol. The bill would make the use of the information in violation of the elements of the stipulation a violation of related criminal; and civil remedy provision provisions of existing law. The bill thereby would establish a state-mandated local program by expanding the scope of a crime.*

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. ~~Section 51852 of the Education Code, as~~
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1 *SECTION 1. Section 1810.3 is added to the Vehicle Code, to*
2 *read:*

3 1810.3. (a) *Using the information made available in the*
4 *accident reports provided to the department under Section 20012,*
5 *the department may provide information consisting of the*
6 *following, for each vehicle that is included in those reports:*

7 (1) *The license plate number.*

8 (2) *The accident report number.*

9 (b) *Notwithstanding Section 16005, 20012, or 20014, the*
10 *department may make the information available to a person who*
11 *has done both of the following:*

12 (1) *Established a commercial requester account under Section*
13 *1810.2.*

14 (2) *Entered into the contract described under subdivision (c).*

15 (c) *The department may not provide information under this*
16 *section unless the person requesting the information has entered*
17 *into a contract with the department that includes the following*
18 *stipulations:*

19 (1) *The information provided may not be used for the purpose*
20 *of identifying or contacting any person or for any other purpose,*
21 *except as specified in paragraph (2).*

22 (2) *The information may be used only to identify a vehicle that*
23 *has been damaged in a traffic accident, and to provide a*
24 *description of that damage.*

25 (3) *The accident report number and license plate number*
26 *provided under this section may be used only for the internal*
27 *verification purposes of the business that receives the information*
28 *and may not be disclosed to any party other than the department*
29 *or the Department of the California Highway Patrol.*

30 (4) *The requester agrees to investigate and promptly correct*
31 *any error that is brought to its attention.*

32 (d) *Use of the information provided under this section in*
33 *violation of paragraph (1), (2), or (3) of subdivision (c) is a*
34 *violation of Sections 1808.45 and 1808.46.*

35 SEC. 2. *No reimbursement is required by this act pursuant to*
36 *Section 6 of Article XIII B of the California Constitution because*
37 *the only costs that may be incurred by a local agency or school*
38 *district will be incurred because this act creates a new crime or*
39 *infraction, eliminates a crime or infraction, or changes the penalty*
40 *for a crime or infraction, within the meaning of Section 17556 of*

1 *the Government Code, or changes the definition of a crime within*
2 *the meaning of Section 6 of Article XIII B of the California*
3 *Constitution. amended by Section 1 of Chapter 774 of the Statutes*
4 *of 2002, is amended to read:*

5 51852. — (a) ~~A course of instruction in the laboratory phase of~~
6 ~~driver education shall include, for each student enrolled in the~~
7 ~~class, instruction under one of the following plans:~~

8 (1) ~~Plan One. — A minimum of 12 hours allocated as follows:~~

9 (A) ~~A minimum of six hours of on-street behind-the-wheel~~
10 ~~practice driving instruction in a dual-control automobile with a~~
11 ~~qualified instructor.~~

12 (B) ~~A minimum of six hours in a dual-control automobile with~~
13 ~~a qualified instructor for the purposes of observation. Practice~~
14 ~~driving on an off-street multiple-car driving range approved by the~~
15 ~~department under the supervision of a qualified instructor may be~~
16 ~~substituted for all or part of the observation time.~~

17 (2) ~~Plan Two. — A minimum of 24 hours allocated as follows:~~

18 (A) ~~Three hours of on-street behind-the-wheel practice driving~~
19 ~~instruction in a dual-control automobile with a qualified instructor.~~

20 (B) ~~Six hours in a dual-control automobile with a qualified~~
21 ~~instructor for the purposes of observation. Practice driving on an~~
22 ~~off-street multiple-car driving range approved by the department~~
23 ~~under the supervision of a qualified instructor may be substituted~~
24 ~~for all or part of the observation time.~~

25 (C) ~~Twelve hours of instruction by a qualified instructor in a~~
26 ~~driving simulator approved by the department.~~

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29 **All matter omitted in this version of the**
30 **bill appears in the bill as amended in the**
31 **Assembly, September 9, 2003 (JR 11)**
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